

SENATE BILL No. 338

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-10; IC 6-3.5; IC 6-3.6; IC 6-6-15; IC 6-8.1-1-1; IC 8-14-18; IC 36-2-21.

Synopsis: Local transportation funding. Transfers up to \$250 million of the state's excess reserves in 2017 to the local road improvement incentive fund (fund) established to provide funding to counties that adopt one of the local revenue sources authorized by this bill for purposes of local road, street, or bridge improvements, or road safety expenditures. Provides that the Indiana department of transportation (department) administers the fund. Provides that the department shall distribute an amount from the fund to each county that has adopted one of the revenue sources authorized by this bill (or counties that have adopted a wheel tax and the county motor vehicle excise surtax under current law). Provides that a county is entitled to only one distribution from the fund. Provides that the amount of the distribution to a county is based on the county's percentage allocation of the amount set aside from the motor vehicle highway account fund for all counties in the preceding calendar year. Appropriates money in the fund. Provides that money in the fund at the end of the 2019-2020 state fiscal year shall revert to the state general fund. Requires the budget agency, before May 1, 2016, to make supplemental distributions from a county's adjusted gross income tax trust account, county option income tax trust account, or county economic development income tax trust account equal to 50% of the amount of the balance in the county trust account on December 31, 2014, as determined by the budget agency. Provides that the allocation of a county's supplemental distribution shall be made in the same manner as the allocation of certified distributions. Provides that money received from the supplemental distribution made before

(Continued next page)

Effective: Upon passage; January 1, 2017.

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January 7, 2016, read first time and referred to Committee on Tax & Fiscal Policy.



May 1, 2016, must be used as follows: (1) In the case of a county, the county may use the money for any purpose for which money from the local road and street account may be used. (2) In the case of a civil unit that is not a county, the civil unit must deposit the money in the civil unit's rainy day fund. Amends the definition of "public safety" under the county adjusted gross income tax, the county option income tax, and the local income tax (effective January 1, 2017) to allow the revenue allocation for public safety to be used for road safety expenditures, including road, street, and bridge repairs and improvement. Eliminates the requirement that a county that chooses to adopt a county motor vehicle excise surtax or a county wheel tax must concurrently adopt the other tax. Increases the maximum amount of the county motor vehicle excise surtax that may be imposed by a county from \$25 to \$40. Increases the maximum county wheel tax rate that may be imposed by a county from \$40 to \$55. Authorizes a county to impose a county motor vehicle fuel tax at a rate of \$0.01 or \$0.02 per gallon of: (1) gasoline; and (2) special fuel used in the operation of a motor vehicle. Provides that revenue from the tax must be used by the county for maintenance, repair, or improvement of: (1) county highways; or (2) bridges on county highways. Allows the issuance of bonds payable from county motor vehicle fuel tax funds. Authorizes the fiscal body of a county to adopt a resolution to place a county roads and bridges referendum tax levy on the ballot. Provides that, if a majority of individuals who voted in the referendum voted in favor of the referendum, then the county is authorized to impose a levy not greater than the amount approved in the referendum. Provides that the county's referendum tax levy may not be considered in determining any other property tax levy imposed by the county. Provides that money received from the tax levy may be used by the county for the following purposes after an appropriation by the fiscal body: (1) Carrying out any purpose for which money distributed to the county from the motor vehicle highway account fund may be used. (2) Carrying out any purpose for which money distributed to the county from the local road and street account may be used.



Introduced

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 338

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-10-22-1, AS AMENDED BY P.L.213-2015,
2 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2017]: Sec. 1. (a) **Except as provided in subsection (c),**
4 after the end of each odd-numbered state fiscal year, the office of
5 management and budget shall calculate in the customary manner the
6 total amount of state reserves as of the end of the state fiscal year. The
7 office of management and budget shall make the calculation not later
8 than July 31 of each odd-numbered year.
9 (b) The office of management and budget may not consider a
10 balance in the state tuition reserve account established by
11 IC 4-12-1-15.7 when making the calculation required by subsection (a).
12 (c) **This section does not apply to the calculation at the end of**
13 **state fiscal year 2017. The office of management and budget shall**
14 **apply the provisions set forth under IC 4-10-24 for the calculation**
15 **at the end of state fiscal year 2017.**



SECTION 2. IC 4-10-22-2, AS AMENDED BY P.L.160-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. **Except as provided in subsection (c), if:**

(1) the total amount of state reserves calculated by the office of management and budget exceeds twelve and five-tenths percent (12.5%) of the general revenue appropriations for the current state fiscal year; and

(2) the accounts payable by the state at the end of the preceding state fiscal year are not unusually large as a percentage of the total amount of state reserves (as compared to recent history);

the governor shall make a presentation to the state budget committee regarding the disposition of excess state reserves under section 3 of this chapter. The presentation must be made not later than September 30 of each odd-numbered year.

(c) This section does not apply to the calculation at the end of state fiscal year 2017. The provisions set forth under IC 4-10-24 apply to the calculation at the end of state fiscal year 2017.

SECTION 3. IC 4-10-24 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]:

Chapter 24. Use of Excess Reserves as of June 30, 2017

Sec. 1. (a) After June 30, 2017, the office of management and budget shall calculate in the customary manner the total amount of state reserves as of June 30, 2017. The office of management and budget shall make the calculation not later than July 31, 2017.

(b) The office of management and budget may not consider a balance in the state tuition reserve account established by IC 4-12-1-15.7 when making the calculation required by subsection (a).

Sec. 2. If the total amount of state reserves calculated by the office of management and budget exceeds ten percent (10%) of the general revenue appropriations for the state fiscal year beginning July 1, 2017, the governor shall make a presentation to the budget committee regarding the disposition of excess state reserves under section 3 of this chapter. The presentation must be made not later than September 30, 2017.

Sec. 3. After completing the presentation to the budget committee described in section 2 of this chapter, the governor shall direct the auditor of state to transfer:

(1) not more than two hundred fifty million dollars (\$250,000,000) of the excess reserves to the local road improvement incentive fund established by IC 8-14-18-4; and



(2) if the excess reserves total more than two hundred fifty million dollars (\$250,000,000), after transferring two hundred fifty million dollars (\$250,000,000) to the local road improvement incentive fund under subdivision (1), transfer the balance of excess reserves that remains as follows:

(A) Fifty percent (50%) to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund.

(B) Fifty percent (50%) for the purposes of providing an automatic taxpayer refund under IC 4-10-22-4.

SECTION 4. IC 6-3.5-1.1-21.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21.2. (a) In addition to any supplemental distribution made in January 2016 to a county under section 21.1 of this chapter, the budget agency shall make a supplemental distribution before May 1, 2016, to the county from the county's adjusted gross income tax account.

(b) The amount of the supplemental distribution under this section is equal to the product of:

(1) the amount of the balance in the county trust account on December 31, 2014, as determined by the budget agency; multiplied by

(2) fifty percent (50%).

(c) A supplemental distribution described in subsection (b) shall be allocated and distributed in the same manner as certified distributions under section 15 of this chapter.

(d) Money distributed as a supplemental distribution under this section must be used only for purposes authorized in IC 6-3.6-10-9.

(e) This section expires January 1, 2017.

SECTION 5. IC 6-3.5-1.1-25, AS AMENDED BY P.L.255-2015, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) As used in this section, "public safety" refers to the following:

(1) A police and law enforcement system to preserve public peace and order.

(2) A firefighting and fire prevention system.

(3) Emergency ambulance services (as defined in IC 16-18-2-107).

(4) Emergency medical services (as defined in IC 16-18-2-110).

(5) Emergency action (as defined in IC 13-11-2-65).

(6) A probation department of a court.

(7) Confinement, supervision, services under a community



corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:

(A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in clause (B) or (C);

(B) convicted of a crime; or

(C) adjudicated as a delinquent child or a child in need of services.

(8) A juvenile detention facility under IC 31-31-8.

(9) A juvenile detention center under IC 31-31-9.

(10) A county jail.

(11) A communications system (as defined in IC 36-8-15-3), an enhanced emergency telephone system (as defined in IC 36-8-16-2 (before its repeal on July 1, 2012)), or the statewide 911 system (as defined in IC 36-8-16.7-22).

(12) Medical and health expenses for jail inmates and other confined persons.

(13) Pension payments for any of the following:

(A) A member of the fire department (as defined in IC 36-8-1-8) or any other employee of a fire department.

(B) A member of the police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by a police department.

(C) A county sheriff or any other member of the office of the county sheriff.

(D) Other personnel employed to provide a service described in this section.

(14) Road safety expenditures, including expenditures for:

(A) street and road maintenance, repair, or improvement;

(B) bridge maintenance, repair, or improvement;

(C) drainage structures;

(D) guard rails; and

(E) other safety structures or devices in connection with streets, roads, or bridges.

(b) A county council may adopt an ordinance to impose an additional tax rate under this section to provide funding for public safety. However, in a county in which a historic hotel district (as defined in IC 4-33-2-11.5) is located, a county council may impose a



1 tax rate under this section to provide funding for public safety without
 2 imposing a tax rate under section 24 or 26 of this chapter.

3 (c) A tax rate under this section may not exceed twenty-five
 4 hundredths of one percent (0.25%).

5 (d) If a county council adopts an ordinance to impose a tax rate
 6 under this section, not more than ten (10) days after the vote, the
 7 county auditor shall send a certified copy of the ordinance to the
 8 commissioner of the department, the director of the budget agency, and
 9 the commissioner of the department of local government finance in an
 10 electronic format approved by the director of the budget agency.

11 (e) A tax rate under this section is in addition to any other tax rates
 12 imposed under this chapter and does not affect the purposes for which
 13 other tax revenue under this chapter may be used.

14 (f) Except as provided in subsections (k), (l), (m), and (n), the
 15 county auditor shall distribute the portion of the certified distribution
 16 that is attributable to a tax rate under this section to the county and to
 17 each municipality in the county that is carrying out or providing at least
 18 one (1) of the public safety purposes described in subsection (a). The
 19 amount that shall be distributed to the county or municipality is equal
 20 to the result of:

21 (1) the portion of the certified distribution that is attributable to a
 22 tax rate under this section; multiplied by

23 (2) a fraction equal to:

24 (A) the attributed allocation amount (as defined in
 25 IC 6-3.5-1.1-15) of the county or municipality for the calendar
 26 year; divided by

27 (B) the sum of the attributed allocation amounts of the county
 28 and each municipality in the county that is entitled to a
 29 distribution under this section for the calendar year.

30 The county auditor shall make the distributions required by this
 31 subsection not more than thirty (30) days after receiving the portion of
 32 the certified distribution that is attributable to a tax rate under this
 33 section. Tax revenue distributed to a county or municipality under this
 34 subsection must be deposited into a separate account or fund and may
 35 be appropriated by the county or municipality only for public safety
 36 purposes.

37 (g) The department of local government finance may not require a
 38 county or municipality receiving tax revenue under this section to
 39 reduce the county's or municipality's property tax levy for a particular
 40 year on account of the county's or municipality's receipt of the tax
 41 revenue.

42 (h) The tax rate under this section and the tax revenue attributable



1 to the tax rate under this section shall not be considered for purposes
2 of computing:

3 (1) the maximum income tax rate that may be imposed in a county
4 under section 2 of this chapter or any other provision of this
5 chapter;

6 (2) the maximum permissible property tax levy under
7 IC 6-1.1-18.5-3; or

8 (3) the credit under IC 6-1.1-20.6.

9 (i) The tax rate under this section may be imposed or rescinded at
10 the same time and in the same manner that the county may impose or
11 increase a tax rate under section 24 of this chapter.

12 (j) The department of local government finance and the department
13 of state revenue may take any actions necessary to carry out the
14 purposes of this section.

15 (k) Two (2) or more political subdivisions that are entitled to receive
16 a distribution under this section may adopt resolutions providing that
17 some part or all of those distributions shall instead be paid to one (1)
18 political subdivision in the county to carry out specific public safety
19 purposes specified in the resolutions.

20 (l) A fire department, volunteer fire department, or emergency
21 medical services provider that:

22 (1) provides fire protection or emergency medical services within
23 the county; and

24 (2) is operated by or serves a political subdivision that is not
25 otherwise entitled to receive a distribution of tax revenue under
26 this section;

27 may before July 1 of a year apply to the county council for a
28 distribution of tax revenue under this section during the following
29 calendar year. The county council shall review an application
30 submitted under this subsection and may before September 1 of a year
31 adopt a resolution requiring that one (1) or more of the applicants shall
32 receive a specified amount of the tax revenue to be distributed under
33 this section during the following calendar year. A resolution approved
34 under this subsection providing for a distribution to one (1) or more fire
35 departments, volunteer fire departments, or emergency medical
36 services providers applies only to distributions in the following
37 calendar year. Any amount of tax revenue distributed under this
38 subsection to a fire department, volunteer fire department, or
39 emergency medical services provider shall be distributed before the
40 remainder of the tax revenue is distributed under subsection (f).

41 (m) This subsection applies to a county in which a tax rate under
42 this section is not in effect on July 1, 2015. The county council may



1 adopt a resolution providing that up to one hundred percent (100%) of
 2 the tax revenue to be distributed under this section shall be dedicated
 3 to a PSAP (as defined in IC 36-8-16.7-20) that is part of the statewide
 4 911 system (as defined in IC 36-8-16.7-22) and contained in the
 5 county. Any amount of tax revenue dedicated to a PSAP under this
 6 subsection shall be distributed before the remainder of the tax revenue
 7 is distributed under this section.

8 (n) This subsection applies to a county in which a tax rate under this
 9 section is in effect on July 1, 2015. If the tax rate under this section is
 10 increased after July 1, 2015, the county council may adopt a resolution
 11 providing that up to one hundred percent (100%) of the tax revenue
 12 derived from the part of the tax rate under this section that exceeds the
 13 tax rate in effect on July 1, 2015, shall be dedicated to a PSAP (as
 14 defined in IC 36-8-16.7-20) that is part of the statewide 911 system (as
 15 defined in IC 36-8-16.7-22) and contained in the county. Any amount
 16 of tax revenue dedicated to a PSAP under this subsection shall be
 17 distributed before the remainder of the tax revenue is distributed under
 18 this section.

19 SECTION 6. IC 6-3.5-4-2, AS AMENDED BY P.L.249-2015,
 20 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 2. (a) An adopting entity of any county may
 22 ~~subject to the limitation imposed by subsection (d)~~, adopt an ordinance
 23 to impose an annual license excise surtax on each motor vehicle listed
 24 in subsection (c) that is registered in the county. The adopting entity
 25 may impose the surtax either:

- 26 (1) at a rate of not less than two percent (2%) nor more than ten
- 27 percent (10%); or
- 28 (2) at a specific amount of at least seven dollars and fifty cents
- 29 (\$7.50) and not more than ~~twenty-five dollars (\$25)~~. **forty dollars**
- 30 **(\$40).**

31 However, the surtax on a vehicle may not be less than seven dollars and
 32 fifty cents (\$7.50). The adopting entity shall state the surtax rate or
 33 amount in the ordinance which imposes the tax.

34 (b) Subject to the limits and requirements of this section, the
 35 adopting entity may do any of the following:

- 36 (1) Impose the annual license excise surtax at the same rate or
- 37 amount on each motor vehicle that is subject to the tax.
- 38 (2) Impose the annual license excise surtax on vehicles subject to
- 39 the tax at one (1) or more different rates based on the class of
- 40 vehicle listed in subsection (c).

41 (c) The license excise surtax applies to the following vehicles:

- 42 (1) Passenger vehicles.



(2) Motorcycles.

(3) Trucks with a declared gross weight that does not exceed eleven thousand (11,000) pounds.

(4) Motor driven cycles.

~~(d) The adopting entity may not adopt an ordinance to impose the surtax unless it concurrently adopts an ordinance under IC 6-3.5-5 to impose the wheel tax.~~

~~(e)~~ (d) Notwithstanding any other provision of this chapter or IC 6-3.5-5, ordinances adopted by a county council before June 1, 2013, to impose or change the annual license excise surtax and the annual wheel tax in the county remain in effect until the ordinances are amended or repealed under this chapter or IC 6-3.5-5.

SECTION 7. IC 6-3.5-4-4, AS AMENDED BY P.L.205-2013, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) After January 1 but before July 1 of any year, the adopting entity may, subject to the limitations imposed by subsection (b), adopt an ordinance to rescind the surtax. If the adopting entity adopts such an ordinance, the surtax does not apply to a motor vehicle registered after December 31 of the year the ordinance is adopted.

(b) ~~The adopting entity may not adopt an ordinance to rescind the surtax unless it concurrently adopts an ordinance under IC 6-3.5-5 to rescind the wheel tax.~~ In addition, The adopting entity may not adopt an ordinance to rescind the surtax if:

(1) any portion of a loan obtained by the county under IC 8-14-8 is unpaid; or

(2) any bonds issued by the county under IC 8-14-9 are outstanding.

SECTION 8. IC 6-3.5-5-2, AS AMENDED BY P.L.205-2013, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The adopting entity of any county may ~~subject to the limitation imposed by subsection (b);~~ adopt an ordinance to impose an annual wheel tax on each vehicle that:

(1) is included in one (1) of the classes of vehicles listed in section 3 of this chapter;

(2) is not exempt from the wheel tax under section 4 of this chapter; and

(3) is registered in the county.

~~(b) The adopting entity of a county may not adopt an ordinance to impose the wheel tax unless it concurrently adopts an ordinance under IC 6-3.5-4 to impose the annual license excise surtax.~~

~~(c)~~ (b) The adopting entity may impose the wheel tax at a different



rate for each of the classes of vehicles listed in section 3 of this chapter. In addition, the adopting entity may establish different rates within the classes of buses, semitrailers, trailers, tractors, and trucks based on weight classifications of those vehicles that are established by the bureau of motor vehicles for use throughout Indiana. However, the wheel tax rate for a particular class or weight classification of vehicles may not be less than five dollars (\$5) and may not exceed ~~forty~~ **fifty-five** dollars (~~\$40~~). (**\$55**). The adopting entity shall state the initial wheel tax rates in the ordinance that imposes the tax.

SECTION 9. IC 6-3.5-5-6, AS AMENDED BY P.L.205-2013, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) After January 1 but before July 1 of any year, the adopting entity may, subject to the limitations imposed by subsection (b), adopt an ordinance to rescind the wheel tax. If the adopting entity adopts such an ordinance, the wheel tax does not apply to a vehicle registered after December 31 of the year the ordinance is adopted.

(b) ~~The adopting entity may not adopt an ordinance to rescind the wheel tax unless it concurrently adopts an ordinance under IC 6-3.5-4 to rescind the annual license excise surtax. In addition,~~ The adopting entity may not adopt an ordinance to rescind the wheel tax if:

- (1) any portion of a loan obtained by the county under IC 8-14-8 is unpaid; or
- (2) any bonds issued by the county under IC 8-14-9 are outstanding.

SECTION 10. IC 6-3.5-6-17.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.7. (a) **In addition to any supplemental distribution made in January 2016 to a county under section 17.3 of this chapter, the budget agency shall make a supplemental distribution before May 1, 2016, to the county from the county's special account.**

(b) **The amount of the supplemental distribution under this section is equal to the product of:**

- (1) **the amount of the balance in the county trust account on December 31, 2014, as determined by the budget agency; multiplied by**
- (2) **fifty percent (50%).**

(c) **A supplemental distribution described in subsection (b) shall be allocated and distributed in the same manner as distributive shares under section 18(e) of this chapter.**

(d) **Money distributed as a supplemental distribution under this**



1 **section must be used only for purposes authorized in IC 6-3.6-10-9.**

2 **(e) This section expires January 1, 2017.**

3 SECTION 11. IC 6-3.5-6-31, AS AMENDED BY P.L.157-2015,
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 31. (a) As used in this section, "public safety"
6 refers to the following:

7 (1) A police and law enforcement system to preserve public peace
8 and order.

9 (2) A firefighting and fire prevention system.

10 (3) Emergency ambulance services (as defined in
11 IC 16-18-2-107).

12 (4) Emergency medical services (as defined in IC 16-18-2-110).

13 (5) Emergency action (as defined in IC 13-11-2-65).

14 (6) A probation department of a court.

15 (7) Confinement, supervision, services under a community
16 corrections program (as defined in IC 35-38-2.6-2), or other
17 correctional services for a person who has been:

18 (A) diverted before a final hearing or trial under an agreement
19 that is between the county prosecuting attorney and the person
20 or the person's custodian, guardian, or parent and that provides
21 for confinement, supervision, community corrections services,
22 or other correctional services instead of a final action
23 described in clause (B) or (C);

24 (B) convicted of a crime; or

25 (C) adjudicated as a delinquent child or a child in need of
26 services.

27 (8) A juvenile detention facility under IC 31-31-8.

28 (9) A juvenile detention center under IC 31-31-9.

29 (10) A county jail.

30 (11) A communications system (as defined in IC 36-8-15-3), an
31 enhanced emergency telephone system (as defined in
32 IC 36-8-16-2 (before its repeal on July 1, 2012)), or the statewide
33 911 system (as defined in IC 36-8-16.7-22).

34 (12) Medical and health expenses for jail inmates and other
35 confined persons.

36 (13) Pension payments for any of the following:

37 (A) A member of the fire department (as defined in
38 IC 36-8-1-8) or any other employee of a fire department.

39 (B) A member of the police department (as defined in
40 IC 36-8-1-9), a police chief hired under a waiver under
41 IC 36-8-4-6.5, or any other employee hired by a police
42 department.



- 1 (C) A county sheriff or any other member of the office of the
 2 county sheriff.
 3 (D) Other personnel employed to provide a service described
 4 in this section.
- 5 **(14) Road safety expenditures, including expenditures for:**
 6 **(A) street and road maintenance, repair, or improvement;**
 7 **(B) bridge maintenance, repair, or improvement;**
 8 **(C) drainage structures;**
 9 **(D) guard rails; and**
 10 **(E) other safety structures or devices in connection with**
 11 **streets, roads, or bridges.**
- 12 (b) The county income tax council may adopt an ordinance to
 13 impose an additional tax rate under this section to provide funding for
 14 public safety.
- 15 (c) A tax rate under this section may not exceed the following:
 16 (1) Five-tenths of one percent (0.5%), in the case of a county
 17 containing a consolidated city.
 18 (2) Twenty-five hundredths of one percent (0.25%), in the case of
 19 a county other than a county containing a consolidated city.
- 20 (d) If a county income tax council adopts an ordinance to impose a
 21 tax rate under this section, not more than ten (10) days after the vote,
 22 the county auditor shall send a certified copy of the ordinance to the
 23 commissioner of the department, the director of the budget agency, and
 24 the commissioner of the department of local government finance in an
 25 electronic format approved by the director of the budget agency.
- 26 (e) A tax rate under this section is in addition to any other tax rates
 27 imposed under this chapter and does not affect the purposes for which
 28 other tax revenue under this chapter may be used.
- 29 (f) Except as provided in subsections (l), (m), (n), and (o), the
 30 county auditor shall distribute the portion of the certified distribution
 31 that is attributable to a tax rate under this section to the county and to
 32 each municipality in the county that is carrying out or providing at least
 33 one (1) of the public safety purposes described in subsection (a). The
 34 amount that shall be distributed to the county or municipality is equal
 35 to the result of:
 36 (1) the portion of the certified distribution that is attributable to a
 37 tax rate under this section; multiplied by
 38 (2) a fraction equal to:
 39 (A) the total property taxes being collected in the county by
 40 the county or municipality for the calendar year; divided by
 41 (B) the sum of the total property taxes being collected in the
 42 county by the county and each municipality in the county that



1 is entitled to a distribution under this section for the calendar
2 year.

3 The county auditor shall make the distributions required by this
4 subsection not more than thirty (30) days after receiving the portion of
5 the certified distribution that is attributable to a tax rate under this
6 section. Tax revenue distributed to a county or municipality under this
7 subsection must be deposited into a separate account or fund and may
8 be appropriated by the county or municipality only for public safety
9 purposes.

10 (g) The department of local government finance may not require a
11 county or municipality receiving tax revenue under this section to
12 reduce the county's or municipality's property tax levy for a particular
13 year on account of the county's or municipality's receipt of the tax
14 revenue.

15 (h) The tax rate under this section and the tax revenue attributable
16 to the tax rate under this section shall not be considered for purposes
17 of computing:

18 (1) the maximum income tax rate that may be imposed in a county
19 under section 8 or 9 of this chapter or any other provision of this
20 chapter;

21 (2) the maximum permissible property tax levy under
22 IC 6-1.1-18.5-3; or

23 (3) the credit under IC 6-1.1-20.6.

24 (i) The tax rate under this section may be imposed or rescinded at
25 the same time and in the same manner that the county may impose or
26 increase a tax rate under section 30 of this chapter.

27 (j) The department of local government finance and the department
28 of state revenue may take any actions necessary to carry out the
29 purposes of this section.

30 (k) Notwithstanding any other provision, in Lake County the county
31 council (and not the county income tax council) is the entity authorized
32 to take actions concerning the additional tax rate under this section.

33 (l) Two (2) or more political subdivisions that are entitled to receive
34 a distribution under this section may adopt resolutions providing that
35 some part or all of those distributions shall instead be paid to one (1)
36 political subdivision in the county to carry out specific public safety
37 purposes specified in the resolutions.

38 (m) A fire department, volunteer fire department, or emergency
39 medical services provider that:

40 (1) provides fire protection or emergency medical services within
41 the county; and

42 (2) is operated by or serves a political subdivision that is not



1 otherwise entitled to receive a distribution of tax revenue under
 2 this section;
 3 may before July 1 of a year apply to the county income tax council for
 4 a distribution of tax revenue under this section during the following
 5 calendar year. The county income tax council shall review an
 6 application submitted under this subsection and may before September
 7 1 of a year adopt a resolution requiring that one (1) or more of the
 8 applicants shall receive a specified amount of the tax revenue to be
 9 distributed under this section during the following calendar year. A
 10 resolution approved under this subsection providing for a distribution
 11 to one (1) or more fire departments, volunteer fire departments, or
 12 emergency services providers applies only to distributions in the
 13 following calendar year. Any amount of tax revenue distributed under
 14 this subsection to a fire department, volunteer fire department, or
 15 emergency medical services provider shall be distributed before the
 16 remainder of the tax revenue is distributed under subsection (f).

17 (n) This subsection applies to a county in which a tax rate under this
 18 section is not in effect on July 1, 2015. The county income tax council
 19 or, in Lake County, the county council, may adopt a resolution
 20 providing that up to one hundred percent (100%) of the tax revenue to
 21 be distributed under this section shall be dedicated to a PSAP (as
 22 defined in IC 36-8-16.7-20) that is part of the statewide 911 system (as
 23 defined in IC 36-8-16.7-22) and contained in the county. Any amount
 24 of tax revenue dedicated to a PSAP under this subsection shall be
 25 distributed before the remainder of the tax revenue is distributed under
 26 this section.

27 (o) This subsection applies to a county in which a tax rate under this
 28 section is in effect on July 1, 2015. If the tax rate under this section is
 29 increased after July 1, 2015, the county income tax council or, in Lake
 30 County, the county council, may adopt a resolution providing that up
 31 to one hundred percent (100%) of the tax revenue derived from the part
 32 of the tax rate under this section that exceeds the tax rate in effect on
 33 July 1, 2015, shall be dedicated to a PSAP (as defined in
 34 IC 36-8-16.7-20) that is part of the statewide 911 system (as defined in
 35 IC 36-8-16.7-22) and contained in the county. Any amount of tax
 36 revenue dedicated to a PSAP under this subsection shall be distributed
 37 before the remainder of the tax revenue is distributed under this
 38 section.

39 SECTION 12. IC 6-3.5-7-17.4 IS ADDED TO THE INDIANA
 40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE UPON PASSAGE]: **Sec. 17.4. (a) In addition to any**
 42 **supplemental distribution made in January 2016 to a county under**



1 section 17.3 of this chapter, the budget agency shall make a
 2 supplemental distribution before May 1, 2016, to the county from
 3 the county's special account.

4 (b) The amount of the supplemental distribution under this
 5 section is equal to the product of:

6 (1) the amount of the balance in the county trust account on
 7 December 31, 2014, as determined by the budget agency;
 8 multiplied by

9 (2) fifty percent (50%).

10 (c) A supplemental distribution described in subsection (b) shall
 11 be allocated and distributed in the same manner as distributive
 12 shares under section 12 of this chapter.

13 (d) Money distributed as a supplemental distribution under this
 14 section must be used only for purposes authorized in IC 6-3.6-10-9.

15 (e) This section expires January 1, 2017.

16 SECTION 13. IC 6-3.6-2-14, AS ADDED BY P.L.243-2015,
 17 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 14. "Public safety" refers to the following:

19 (1) A police and law enforcement system to preserve public peace
 20 and order.

21 (2) A firefighting and fire prevention system.

22 (3) Emergency ambulance services (as defined in
 23 IC 16-18-2-107).

24 (4) Emergency medical services (as defined in IC 16-18-2-110).

25 (5) Emergency action (as defined in IC 13-11-2-65).

26 (6) A probation department of a court.

27 (7) Confinement, supervision, services under a community
 28 corrections program (as defined in IC 35-38-2.6-2), or other
 29 correctional services for a person who has been:

30 (A) diverted before a final hearing or trial under an agreement
 31 that is between the county prosecuting attorney and the person
 32 or the person's custodian, guardian, or parent and that provides
 33 for confinement, supervision, community corrections services,
 34 or other correctional services instead of a final action
 35 described in clause (B) or (C);

36 (B) convicted of a crime; or

37 (C) adjudicated as a delinquent child or a child in need of
 38 services.

39 (8) A juvenile detention facility under IC 31-31-8.

40 (9) A juvenile detention center under IC 31-31-9.

41 (10) A county jail.

42 (11) A communications system (as defined in IC 36-8-15-3), an



enhanced emergency telephone system (as defined in IC 36-8-16-2, before its repeal on July 1, 2012), or the statewide 911 system (as defined in IC 36-8-16.7-22).

(12) Medical and health expenses for jailed inmates and other confined persons.

(13) Pension payments for any of the following:

(A) A member of a fire department (as defined in IC 36-8-1-8) or any other employee of the fire department.

(B) A member of a police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by the police department.

(C) A county sheriff or any other member of the office of the county sheriff.

(D) Other personnel employed to provide a service described in this section.

(14) Road safety expenditures, including expenditures for:

(A) street and road maintenance, repair, or improvement;

(B) bridge maintenance, repair, or improvement;

(C) drainage structures;

(D) guard rails; and

(E) other safety structures or devices in connection with streets, roads, or bridges.

SECTION 14. IC 6-3.6-10-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a) Notwithstanding the effective dates for this article under IC 6-3.6-1, this section applies beginning after April 30, 2016.**

(b) This section applies to a supplemental distribution of money under:

(1) IC 6-3.5-1.1-21.2 (before its expiration);

(2) IC 6-3.5-6-17.7 (before its expiration); or

(3) IC 6-3.5-7-17.4 (before its expiration).

(c) Money distributed as provided under subsection (b) may be used only for the following purposes:

(1) In the case of a county, the county may use money distributed under subsection (b) to carry out any purpose for which money distributed to the county from the local road and street account may be used under IC 8-14-2-5.

(2) In the case of a civil unit that is not a county, the civil unit must deposit money distributed under subsection (b) in the civil unit's rainy day fund established under IC 36-1-8-5.1.



1 However, the part of a supplemental distribution that is
 2 attributable to an additional rate shall be used for the purpose
 3 specified in the statute authorizing the additional rate, and is not
 4 required to be used for the purposes described in subdivision (1),
 5 in the case of a county, or deposited in the unit's rainy day fund
 6 under subdivision (2), in the case of a civil unit that is not a county.

7 SECTION 15. IC 6-6-15 IS ADDED TO THE INDIANA CODE AS
 8 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
 9 PASSAGE]:

10 **Chapter 15. County Motor Fuel Tax**

11 **Sec. 1.** As used in this chapter, "department" means the
 12 department of state revenue.

13 **Sec. 2.** As used in this chapter, "fiscal body" has the meaning set
 14 forth in IC 36-1-2-6.

15 **Sec. 3.** As used in this chapter, "gasoline" has the meaning set
 16 forth in IC 6-6-1.1-103.

17 **Sec. 4.** As used in this chapter, "special fuel" has the meaning
 18 set forth in IC 6-6-2.5-22(1).

19 **Sec. 5. (a)** The county fiscal body may adopt an ordinance to
 20 impose, increase, decrease, or repeal a county motor fuel tax under
 21 this chapter.

22 **(b)** Before the county fiscal body may adopt an ordinance under
 23 subsection (a), the county fiscal body must hold a public hearing on
 24 the proposed ordinance, with notice of the time, date, and place of
 25 the public hearing given in accordance with IC 5-3-1.

26 **(c)** If the county fiscal body adopts an ordinance under
 27 subsection (a), the county fiscal body shall immediately send a
 28 certified copy of the ordinance to the department.

29 **(d)** If the county fiscal body adopts an ordinance under
 30 subsection (a), the imposition, increase, decrease, or repeal of the
 31 county motor fuel tax applies to transactions that occur after the
 32 last day of the month that follows the month in which the
 33 ordinance is adopted.

34 **(e)** An ordinance adopted under subsection (a) must specify the
 35 tax rate for the county motor fuel tax as provided in section 6(b) of
 36 this chapter.

37 **Sec. 6. (a)** The county motor fuel tax may be imposed by the
 38 county on the sale within the county of:

39 **(1)** gasoline that is subject to the gasoline tax under
 40 IC 6-6-1.1; and

41 **(2)** special fuel that is subject to the special fuel tax under
 42 IC 6-6-2.5.



(b) The county motor fuel tax may be imposed at a rate of:

(1) one cent (\$0.01); or

(2) two cents (\$0.02);

for each gallon of gasoline and special fuel.

Sec. 7. A county motor fuel tax imposed under this chapter shall be imposed, paid, and collected in the same manner that the state gross retail tax is imposed, paid, and collected on fuel under IC 6-2.5. However, the return that is filed for the payment of the tax may be made on a separate return or may be combined with the return filed for the payment of the state gross retail tax on gasoline or special fuel as prescribed by the department.

Sec. 8. A transaction that is exempt from taxation under IC 6-2.5-5 is exempt from a county motor fuel tax imposed under this chapter.

Sec. 9. The amounts received from the taxes imposed under this chapter shall be paid monthly by the treasurer of state to the county fiscal officer upon warrants issued by the auditor of state.

Sec. 10. (a) If a tax is imposed under section 5 of this chapter by the county, the county fiscal officer shall establish a county motor fuel tax receipts fund.

(b) The county fiscal officer shall deposit in the fund all amounts received under this chapter.

(c) Money earned from the investment of money in the fund becomes a part of the fund.

Sec. 11. Money in the county motor fuel tax receipts fund must be used by the county only for the following purposes:

(1) For maintenance, repair, or improvement of:

(A) county highways; or

(B) bridges on county highways.

(2) To pay bonds issued under section 12 of this chapter.

Sec. 12. (a) The fiscal body of a county may issue bonds payable from the county's motor fuel tax receipts fund. The bonds shall be for the purposes set forth in section 11 of this chapter.

(b) If there are bonds outstanding that have been issued under this section, the county fiscal body may not reduce the county motor fuel tax rate below a rate that would produce one and twenty-five hundredths (1.25) times the total of the highest annual debt service on the bonds to the bonds' final maturity, based on an average of the tax collections for the immediately preceding three (3) years. If the tax has not been imposed for the preceding three (3) years, the county fiscal body may not reduce the rate below a rate that would produce one and twenty-five hundredths (1.25)



1 times the total of the highest annual debt service, based upon a
2 study by a qualified public accountant or financial adviser.

3 (c) The general assembly covenants that it will not repeal or
4 amend this chapter in a manner that would adversely affect owners
5 of outstanding bonds issued under this section.

6 Sec. 13. Except as otherwise provided in this chapter, the
7 provisions of IC 6-6-1.1 and IC 6-6-2.5 concerning:

8 (1) definitions;

9 (2) filing of reports or returns;

10 (3) shrinkage allowances and remittances;

11 (4) penalties and interest; and

12 (5) refunds;

13 apply to the imposition, collection, and administration of the tax
14 imposed by this chapter.

15 Sec. 14. Before February 1 of each year, the department shall
16 submit a report to each county that has adopted a tax under this
17 chapter indicating the amount of the county's motor fuel tax paid
18 and collected during the preceding year.

19 SECTION 16. IC 6-8.1-1-1, AS AMENDED BY P.L.220-2014,
20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 UPON PASSAGE]: Sec. 1. "Listed taxes" or "taxes" includes only the
22 pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the riverboat
23 admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13);
24 the slot machine wagering tax (IC 4-35-8); the type II gambling game
25 excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the
26 utility receipts and utility services use taxes (IC 6-2.3); the state gross
27 retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3);
28 the supplemental net income tax (IC 6-3-8) (repealed); the county
29 adjusted gross income tax (IC 6-3.5-1.1); the county option income tax
30 (IC 6-3.5-6); the county economic development income tax
31 (IC 6-3.5-7); the auto rental excise tax (IC 6-6-9); the financial
32 institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the special fuel
33 tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); **a county**
34 **motor fuel tax (IC 6-6-15)**; a motor fuel tax collected under a
35 reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax
36 (IC 6-6-5); the aviation fuel excise tax (IC 6-6-13); the commercial
37 vehicle excise tax (IC 6-6-5.5); the excise tax imposed on recreational
38 vehicles and truck campers (IC 6-6-5.1); the hazardous waste disposal
39 tax (IC 6-6-6.6) (repealed); the cigarette tax (IC 6-7-1); the beer excise
40 tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax
41 (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise
42 tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various



innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the regional transportation improvement income tax (IC 8-24-17); the oil inspection fee (IC 16-44-2); ~~the emergency and hazardous chemical inventory form fee (IC 6-6-10)~~; the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); and any other tax or fee that the department is required to collect or administer.

SECTION 17. IC 8-14-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]:

Chapter 18. Local Road Improvement Incentive Fund

Sec. 1. As used in this chapter, "department" refers to the Indiana department of transportation.

Sec. 2. As used in this chapter, "eligible county" refers to a county that has adopted any one (1) of the following:

(1) An ordinance to impose an additional tax rate or to allocate additional revenue under:

(A) IC 6-3.5-1.1-25 (before its repeal);

(B) IC 6-3.5-6-31 (before its repeal); or

(C) IC 6-3.6-6;

for public safety, if the money from the additional tax rate or allocation is appropriated and used for road safety expenditures as described in IC 6-3.5-1.1-25(a)(14) (before its repeal), IC 6-3.5-6-31(a)(14) (before its repeal), or IC 6-3.6-2-14(14).

(2) A county roads and bridges referendum tax levy under IC 36-2-21.

(3) A county motor fuel tax under IC 6-6-15.

(4) An ordinance to impose or increase:

(A) a county motor vehicle excise surtax rate under IC 6-3.5-4-2 to an amount of up to forty dollars (\$40); or

(B) a county wheel tax rate under IC 6-3.5-5-2 to an amount of up to fifty-five dollars (\$55).

An eligible county under this subdivision includes a county that has adopted an ordinance to impose a tax rate under clauses (A) and (B) at any time prior to applying for a distribution from the fund under section 6(1) of this chapter, if the tax rate has not been repealed.

Sec. 3. As used in this chapter, "fund" refers to the local road improvement incentive fund established by section 4 of this chapter.



1 **Sec. 4. (a) The local road improvement incentive fund is**
 2 **established. The purpose of the fund is to provide funding to**
 3 **eligible counties that have adopted certain local revenue sources**
 4 **for purposes of local road, street, or bridge improvements, or road**
 5 **safety expenditures. The fund shall be administered by the**
 6 **department.**

7 **(b) The fund consists of the following:**

8 **(1) Appropriations to the fund.**

9 **(2) Donations.**

10 **(3) Federal grants or other federal appropriations.**

11 **(4) Amounts transferred to the fund under IC 4-10-24-3(1).**

12 **(5) Interest and other earnings derived from investment of**
 13 **money in the fund.**

14 **(c) Money in the fund is continuously appropriated for the**
 15 **purposes of this chapter.**

16 **(d) Money in the fund may be used for the costs of administering**
 17 **this chapter.**

18 **(e) Except as provided in subsection (f), money in the fund at the**
 19 **end of a state fiscal year that is a fiscal year ending before July 1,**
 20 **2020, does not revert to the state general fund.**

21 **(f) The department shall transfer one hundred percent (100%)**
 22 **of the money remaining in the fund on June 30, 2020, to the state**
 23 **general fund.**

24 **Sec. 5. (a) The department shall make a distribution of money**
 25 **in the fund to an eligible county based on an allocation amount for**
 26 **each eligible county as determined under subsection (b).**

27 **(b) The distribution amount for each eligible county under**
 28 **subsection (a) shall be determined by the department using the**
 29 **following STEPS:**

30 **STEP ONE: Determine the amount set aside from the motor**
 31 **vehicle highway account under IC 8-14-1 for counties of the**
 32 **state in the preceding calendar year.**

33 **STEP TWO: Determine the amount allocated to the eligible**
 34 **county in the preceding calendar year from the amount**
 35 **determined under STEP ONE.**

36 **STEP THREE: Divide the STEP TWO amount by the STEP**
 37 **ONE amount.**

38 **STEP FOUR: Multiple the ratio determined under STEP**
 39 **THREE by the balance in the fund.**

40 **(c) An eligible county is entitled to receive only one (1)**
 41 **distribution of money from the fund under this section.**

42 **(d) Distribution of money from the fund is subject to availability**



of money in the fund.

Sec. 6. A county wishing to obtain a distribution from the fund under section 5 of this chapter must:

(1) file an application with the department not later than May 15, 2020, requesting a distribution from the fund; and

(2) submit to the department all information the department determines is necessary to substantiate that the county is an eligible county under section 2 of this chapter.

Sec. 7. This chapter expires July 1, 2020.

SECTION 18. IC 36-2-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 21. County Roads and Bridges Referendum Tax Levy

Sec. 1. (a) The fiscal body of a county may adopt a resolution to place a referendum under this chapter on the ballot, as described in sections 7 and 8 of this chapter.

(b) The fiscal body of the county shall certify a copy of the resolution to the department of local government finance.

Sec. 2. A referendum tax levy under this chapter may be put into effect only if a majority of the individuals who vote in a referendum that is conducted in accordance with this chapter approves the levy.

Sec. 3. The question to be submitted to the voters in the referendum under this chapter must read as follows:

"For the ____ (insert number) calendar year or years immediately following the holding of this referendum, shall ____ (insert name of county) County impose a property tax rate that does not exceed _____ (insert amount) cents (\$0.____) (insert amount) on each one hundred dollars (\$100) of assessed valuation that is in addition to all other property tax levies imposed by the county, and that will be used for _____ (insert short description of purposes)?".

Sec. 4. The voters in a referendum under this chapter may not approve a levy that is imposed for more than seven (7) years. However, a levy may be reimposed or extended under this chapter.

Sec. 5. If a county fiscal body adopts a resolution under section 2 of this chapter, the county fiscal body must under IC 3-10-9-3 certify the question to be voted on at the referendum to the county election board.

Sec. 6. The county clerk, upon receiving a question certified by the county fiscal body under this chapter, shall call a meeting of the



1 county election board to make arrangements for the referendum.

2 Sec. 7. (a) A referendum under this chapter shall be held in the
3 next primary election, general election, or municipal election in
4 which all the registered voters who are residents of the county are
5 entitled to vote after certification of the question under
6 IC 3-10-9-3. The certification of the question must occur not later
7 than noon:

8 (1) seventy-four (74) days before a primary election if the
9 question is to be placed on the primary or municipal primary
10 election ballot; or

11 (2) on August 1 if the question is to be placed on the general
12 or municipal election ballot.

13 However, if a primary election, general election, or municipal
14 election will not be held during the first year in which the public
15 question is eligible to be placed on the ballot under this chapter and
16 if the county fiscal body requests that the public question be placed
17 on the ballot at a special election, the public question shall be
18 placed on the ballot at a special election to be held on the first
19 Tuesday after the first Monday in May or November of the year.
20 The certification of the question must occur not later than noon
21 seventy-four (74) days before a special election to be held in May
22 (if the special election is to be held in May) or noon on August 1 (if
23 the special election is to be held in November).

24 (b) If the referendum is not conducted at a primary election,
25 general election, or municipal election, the county shall pay all the
26 costs of holding the referendum.

27 Sec. 8. For purposes of a referendum under this chapter, each
28 county election board shall cause:

29 (1) the question certified to the circuit court clerk by the
30 county fiscal body to be placed on the ballot in the form
31 prescribed by IC 3-10-9-4; and

32 (2) an adequate supply of ballots and voting equipment to be
33 delivered to the precinct election board of each precinct in
34 which the referendum is to be held.

35 Sec. 9. The individuals entitled to vote in a referendum under
36 this chapter are all of the registered voters residing in the county.

37 Sec. 10. For purposes of a referendum under this chapter, each
38 precinct election board shall count the affirmative votes and the
39 negative votes cast in the referendum and shall certify those two (2)
40 totals to the county election board of the county in which the
41 referendum is held. The circuit court clerk of each county shall,
42 immediately after the votes cast in the referendum have been



counted, certify the results of the referendum to the county fiscal body. Upon receiving the certification of all the votes cast in the referendum, the county fiscal body shall promptly certify the results of the referendum to the department of local government finance. If a majority of the individuals who voted in the referendum voted "yes" on the referendum question:

(1) the county is authorized to impose, for the calendar year that next follows the calendar year in which the referendum is held, a levy not greater than the amount approved in the referendum; and

(2) the levy may be imposed for the number of calendar years approved by the voters in the referendum.

Sec. 11. A county's referendum tax levy imposed under this chapter may not be considered in the determination of any other property tax levy imposed by the county.

Sec. 12. If a majority of the persons who vote in a referendum under this chapter do not vote "yes" on the referendum question:

(1) the county may not impose a referendum tax levy; and

(2) another referendum under this chapter may not be held for one (1) year after the date of the referendum.

Sec. 13. IC 6-1.1-20.6-7.5(b) applies to a referendum tax levy imposed under this chapter.

Sec. 14. (a) The fiscal officer of each county for which a levy is approved under this chapter shall establish a roads and bridges referendum tax levy fund.

(b) The county fiscal officer shall deposit in the fund all property tax collection amounts received from a tax levy under this chapter.

(c) Money in the fund may be used by the county for the following purposes after appropriation of the county fiscal body:

(1) Carrying out any purpose for which money distributed to the county from the motor vehicle highway account fund may be used under IC 8-14-1.

(2) Carrying out any purpose for which money distributed to the county from the local road and street account may be used under IC 8-14-2-5.

(d) Money earned from the investment of money in the fund becomes a part of the fund.

SECTION 19. An emergency is declared for this act.

